



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/618,504	07/10/2003	David Ray Hamm	P02707	6559
28548	7590	04/23/2004	EXAMINER	
STONEMAN LAW OFFICES, LTD 3113 NORTH 3RD STREET PHOENIX, AZ 85012			MORROW, JASON S	
			ART UNIT	PAPER NUMBER
			3612	

DATE MAILED: 04/23/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/618,504

Applicant(s)

HAMM, DAVID RAY

Examiner

Jason S. Morrow

Art Unit

3612

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 7/10/ is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. ____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date ____ | 6) <input type="checkbox"/> Other: ____ |

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 19 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 19 is dependent on claim 17. However, it appears the dependency is improper since the preamble of claim 19 refers to "the kit according to claim 17" but no kit is claimed in claim 17. The claim should depend from claim 18 and is treated on the merits below accordingly.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1-5, 8, and 16 are rejected under 35 U.S.C. 102(e) as being anticipated by Simon.

Re claim 1, Simon discloses a golf cart shading system for at least one occupant compartment of a golf cart, comprising in combination shading means (35) for shading at least

Art Unit: 3612

one rear portion of the at least one occupant compartment of the golf cart; and aperture means (unmarked, the U-shaped cutouts shown in figure 2) for permitting passage through said shading means of at least one rear support bracket (16) for supporting at least one piece of golf equipment outside said shading means.

Re claim 2, Simon discloses a golf cart shading system for at least one occupant compartment of a golf cart, comprising in combination at least one shader (35) structured and arranged to shade at least one rear portion of the at least one occupant compartment of the golf cart, and at least one aperture (unmarked, the U-shaped cutouts shown in figure 2) structured and arranged to permit passage through said at least one shader of at least one rear support bracket (16) for supporting at least one piece of golf equipment outside said at least one shader.

Re claim 3, at least one upper tensioner (45) is structured and arranged to apply tension to an upper portion of said at least one shader.

Re claim 4, at least one upper attacher (46) is structured and arranged to attach said at least one shader to at least one upper portion of the golf cart.

Re claim 5, at least one lower attacher (56) is structured and arranged to attach said at least one shader to at least one lower portion of the golf cart.

Re claim 8, at least one lower tensioner (55) is structured and arranged to apply tension to at least one lower portion of said at least one shader.

Re claim 16, the invention further comprises at least one golf cart (see figure 1).

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 9-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Simon in view of Conner et al.

Simon discloses all the limitation of the claims, as applied above, except for at least one viewer.

Conner et al. teaches at least one shader comprising at least one viewer (92) structured and arranged to assist the at least one occupant viewing out the at least one rear portion of the at least one occupant compartment of a golf cart.

It would have been obvious to one of ordinary skill in the art to modify a shader, such as that disclosed by Simon, to include at least at least one viewer structured and arranged to assist the at least one occupant viewing out the at least one rear portion of the at least one occupant compartment of a golf cart, as taught by Conner et al., in order to allow a driver of the vehicle to be able to see behind the vehicle while driving

7. Claims 6 and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Simon in view of Jopp et al.

Simon discloses all of the limitations of the claims, as applied above, except for at least one holder structured and arranged to hold at least one personal item of the at least one occupant.

Jopp et al. teaches the use of a holder (50) structured and arranged to hold at least one personal item of at least one occupant.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify a shading system, such as that disclosed by Simon, to use a holder structured and arranged to hold at least one personal item of at least one occupant, as taught by Jopp et al., in order to provide a commonly known convenience feature to the vehicle to which the shader is attached.

8. Claims 12-15, and 17, are rejected under 35 U.S.C. 103(a) as being unpatentable over Simon and Conner et al., as applied to claims 9-11 above, and further in view of Jopp et al.

Simon and Conner et al. disclose all the limitations of the claims, as applied above, except for the use of a holder structured and arranged to hold at least one personal item of at least one occupant or at least one sunlight controller structured and arranged to control a quantity of sunlight passing through the at least one viewer.

Jopp et al. teaches the use of a holder (50) structured and arranged to hold at least one personal item of at least one occupant.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify a shading system, such as that disclosed by Simon, to use a holder structured and arranged to hold at least one personal item of at least one occupant, as taught by

Art Unit: 3612

Jopp et al., in order to provide a commonly known convenience feature to the vehicle to which the shader is attached.

Jopp et al. teaches at least one sunlight controller (48) structured and arranged to control a quantity of sunlight passing through the at least one viewer.

It would have been obvious to one of ordinary skill in the art to modify a shader, such as that disclosed by Simon and Conner et al., to have at least one sunlight controller structured and arranged to control a quantity of sunlight passing through the at least one viewer, as taught by Jopp et al., in order to keep the interior of the vehicle from getting too hot by allowing too much sun light to enter through the viewer.

9. Claim 18 is rejected under 35 U.S.C. 103(a) as being unpatentable over Simon in view of Mills.

Simon discloses a kit comprising at least one golf cart shading system for at least one occupant compartment of a golf cart, comprising in combination shading means for shading at least one rear portion of the at least one occupant compartment of the golf cart, and aperture means for permitting passage through the shading means of at least one rear support bracket for supporting at least one piece of golf equipment outside the shading means.

Simon does not disclose the use of a storage bag or a set of installation instructions.

Mills teaches the use of at least one storage bag (40).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify a kit, such as that disclosed by Simon, to include a storage bag, as taught by Mills, to provide a place to store the shading means when not in use.

The use of instructions is old and well known in the art.

It would have been obvious to one of ordinary skill in the art, to modify a shader, such as that disclosed above, to include instructions, as is old and well known in the art, to make the task of using the shader for the first time easier.

10. Claim 19 is rejected under 35 U.S.C. 103(a) as being unpatentable over Simon and Mills, as applied to claim 18 above, and further in view of Connor et al.

Simon and Mills disclose all the limitations of the claims, as applied above, except for the use of viewing means.

Conner et al. teaches at least one shader comprising at least one viewer (92) structured and arranged to assist the at least one occupant viewing out the at least one rear portion of the at least one occupant compartment of a golf cart.

It would have been obvious to one of ordinary skill in the art to modify a kit, such as that disclosed above, to include at least at least one viewer structured and arranged to assist the at least one occupant viewing out the at least one rear portion of the at least one occupant compartment of a golf cart, as taught by Conner et al., in order to allow a driver of the vehicle to be able to see behind the vehicle while driving

11. Claim 20 is rejected under 35 U.S.C. 103(a) as being unpatentable over Simon and Mills, as applied to claim 18 above, and further in view of Jopp et al.

Simon and Mills disclose all the limitations of the claims, as applied above, except for the use of holding means.

Jopp et al. teaches the use of a holder (50) structured and arranged to hold at least one personal item of at least one occupant.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify a kit, such as that disclosed by Simon, to use a holder structured and arranged to hold at least one personal item of at least one occupant, as taught by Jopp et al., in order to provide a commonly known convenience feature to the vehicle to which the shader is attached.

Conclusion

12. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Beusse et al., West, Showalter, and Sullivan disclose covers for vehicles.

13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jason S. Morrow whose telephone number is (703) 305-7803. The examiner can normally be reached on Monday-Friday, 8:00a.m.-4:30p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glenn Dayoan can be reached on (703) 308-3102. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 3612

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

April 16, 2004

Jason S. Morrow
Examiner
Art Unit 3612


JASON MORROW
PATENT EXAMINER

4/16/04